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OFFICE OF PETITIONS

In re Application of :  
Gill et al :DECISION GRANTING FILING  
Application No. 10/629,529 :DATE OF July 29, 2003  
Filed: July 29, 2003 :  
Attorney Docket No. HSJ920030016US4 :

This is a decision on the petition under 37 CFR 1.10(c), filed August 27, 2003, requesting that the above-identified application be accorded a filing date of July 29, 2003, rather than the presently accorded date of July 30, 2003.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on July 29, 2003 pursuant to 37 CFR 1.10. In support, petitioner has submitted a copy of Express Mail label No. EV 309495995 US showing a stamped date of July 29, 2003. The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal."

In view of the USPS receipt stamp of July 29, 2003 appearing on the same Express Mail label number as shown on the transmittal for the instant application, it is concluded that the application was deposited as "Express Mail" with the USPS on July 29, 2003.

The petition is granted.

Telephone inquiries specific to this decision on petition should be directed to Karen Creasy at (703) 305-8859.

Brian Hearn  
Senior Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy